

# In the Court of Appeals of the State of Alaska

**Leif E. Thomas,**

Appellant,

v.

**State of Alaska,**

Appellee.

Court of Appeals No. **A-12715**

## **Correct Order**

Request for Review of Clerk's Intention  
to Enter Judgment for Costs of  
Appointed Attorney

Date of Order: **6/8/20**

**Date of Corrected Order: 6/8/20**

Trial Court Case No. **3PA-09-01118CR**

The Appellant, Leif E. Thomas, appealed his felony convictions to this Court. In *Thomas v. State*, Memorandum Opinion No. 6864 (April 8, 2020), this Court affirmed Mr. Thomas's convictions.

Mr. Thomas was represented by counsel at public expense in this appeal. Under Alaska Appellate Rule 209(b)(5), at the conclusion of any appellate case in which a criminal defendant is represented by court-appointed counsel, the Clerk of the Appellate Courts is directed to "enter judgment against the defendant for the cost of appointed appellate counsel unless the defendant's conviction was reversed by the appellate court." Because Mr. Thomas was represented by court-appointed counsel in this appeal, because Mr. Thomas's appeal was a felony merit appeal — and because Mr. Thomas's convictions were not reversed — the Office of the Clerk of the Appellate Courts notified Mr. Mr. Thomas that it intends to enter judgment against him in the amount of \$1,500.00 for the cost of counsel. *See* Alaska Appellate Rule 209(b)(6).

Mr. Thomas now seeks judicial review of the Appellate Clerk's decision. *See* Alaska Appellate Rule 503(h)(2)(A). In his request for judicial review of the Clerk's Notice of Intent, Mr. Thomas asserts that he has no way to pay this judgment because he will be incarcerated until September of 2023, and he also asserts he was unaware that he

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risked incurring a cost by appealing. These assertions, however, are **insufficient** to reverse the Clerk's decision to enter of a judgment against Mr. Thomas for a portion of the cost of appointed counsel.

Because Appellate Rule 209(b)(5) and (6) require criminal defendants whose convictions are not reversed on appeal to reimburse to the government a portion of the cost of the attorneys who represent them at public expense, and because this Court did not reverse Mr. Thomas's convictions in this appeal, he is required to reimburse to the government a portion of the cost of the attorney who represented him at public expense.

The decision of the Appellate Court Clerk to enter a **\$1,500.00** judgment against Mr. Thomas for the cost of counsel under Appellate Rule 209(b) is **AFFIRMED**.

Entered at the direction of Chief Judge Allard.

Clerk of the Appellate Courts



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Ryan Montgomery-Sythe,  
Chief Deputy Clerk

cc: Leif E. Thomas at FCI Sheridan  
Distribution:

[\$@DistMail]

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